

REMARKS

Independent claims 1 and 21 were rejected under 35 USC §102(e) as being anticipated by Horneman et al. (U.S. Patent 6,560,460).

In response, independent claims 1 and 21 have been amended to clarify the Applicant's invention. Specifically, it has been clarified that the dynamic system information transmitted to the at least one subscriber unit comprises a resource allocation for at least one other subscriber unit than the at least one subscriber unit. Thus, in accordance with the invention, a subscriber unit is provided with information of the resource allocation for other subscriber units. The subscriber unit accordingly sets a characteristic of the communication in response to received information about the resource allocation to other subscriber units.

The Applicant notes that the Examiner interprets the transmission in Horneman of a "service class" or a "grade of service" to mobile stations to correspond to the dynamic system information of the independent claims.

However, Applicant submits that Horneman does not disclose the features of the amended claims. In particular, the only information that Horneman et al. discloses transmitting to a given mobile station is the grade of service or details of the grade of service determined for that specific individual mobile station (ref. page 7 lines 4 to 5 and page 8 lines 5 to 8). Horneman does not disclose information of a grade of service of one mobile station being transmitted to a different mobile station.

Thus, it is respectfully submitted that Horneman clearly does not disclose dynamic system information comprising a resource allocation for one subscriber unit being sent to another subscriber unit. Accordingly, Horneman clearly fails to disclose that a first subscriber unit may set a characteristic of a communication in response to dynamic system information of the resource allocation of a different subscriber unit.

With respect to the Examiner's objections, the applicant notes that the Examiner clarifies that he considers the resource allocation (grade of service) of one mobile station of Horneman to be related to resources of other mobile

stations because these share network resources(col. 2 lines 6-8 and 55-61). The Examiner appreciates the clarification that the objection to the previously submitted claims is based on a broad interpretation of the term "related." The Applicant furthermore respectfully submits that the amended claims clearly differentiate from this interpretation and it is noted that Horneman teaches only the disclosure of Grade of Service information for a mobile station being sent to that mobile station.


Accordingly it is respectfully submitted that the invention of the amended claims is novel and inventive over the cited prior art. In view of the foregoing remarks, it is submitted that independent claims 1 and 21 are in condition for allowance. Applicants further submit that claims 2-20 and 22-25 are allowable at least by virtue of their dependency on claims 1 and 21, respectively. Applicants respectfully request the reconsideration and reexamination of this application and the timely allowance of the pending claims. Please charge any fees associated herewith, including extension of time fees, to 50-2117.

Respectfully submitted,
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